

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ANTHONY PORTER,

Plaintiff,

v.

DALIA SULIENE,

Defendant.

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ORDER

09-cv-38-vis

In an order entered in this case on November 6, 2009, I granted in part plaintiff's request for an extension of time to oppose defendant's motion for summary judgment, allowing him until November 30, 2009 in which to file his opposition materials but explaining that he would not receive additional extensions. That same day, plaintiff signed a motion to deny defendant's motion for summary judgment under Fed. R. Civ. P. 56(f)(1). Defendant opposed that motion, pointing out that plaintiff failed to follow the requirements of Rule 56(f) because he failed to "show[] by affidavit" and failed to provide "specified reasons." In response, plaintiff has submitted a motion to supplement his Rule 56(f) motion with an affidavit. However, in the affidavit, plaintiff indicates that his Rule 56(f) motion was filed on the advice of another prisoner and that he is now receiving legal assistance from a different prisoner who is helping him prepare the proper opposition materials, which he intends to submit to the court by November 30, 2009.

In light of the details plaintiff provides in his affidavit, I construe plaintiff's motion to supplement as a motion to withdraw his Rule 56(f) motion. It appears that plaintiff intends to file a brief in opposition to defendant's motion for summary judgment, responses to defendant's

proposed findings of fact and all supporting affidavits and other evidence by the November 30 deadline.

ORDER

IT IS ORDERED that plaintiff Anthony Porter's motion to withdraw, dkt. 60, is GRANTED; plaintiff's Fed. R. Civ. P. 56(f) motion, dkt. 58, is considered withdrawn.

Entered this 19<sup>th</sup> day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge